

108TH CONGRESS
1ST SESSION

H. R. 234

To amend title 18, United States Code, to prohibit human cloning.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2003

Mr. WELDON of Florida (for himself, Mr. STUPAK, Mr. SENSENBRENNER, Mr. KUCINICH, Mr. SMITH of Texas, Mr. DOYLE, Mr. CHABOT, Mr. SANDERS, Mr. CANNON, Mr. HALL, Mr. KELLER, Mr. FLAKE, Ms. HART, Mr. DELAY, Mrs. MYRICK, Mr. BACHUS, Mr. TAYLOR of Mississippi, Mr. LUCAS of Kentucky, Mr. MURTHA, Mr. BLUNT, Mr. MCINTYRE, Mr. ORTIZ, Mr. MOLLOHAN, Mr. FLETCHER, Mr. BILIRAKIS, Mr. NORWOOD, Mr. PITTS, Mr. SHIMKUS, Mr. STEARNS, Mr. SMITH of New Jersey, Mr. VITTER, Mr. GOODE, Mr. WOLF, Mr. STENHOLM, Mr. BRADY of Texas, Mr. JOHN, Mr. SOUDER, Mr. PETERSON of Minnesota, Mr. HOEKSTRA, Mr. KILDEE, Mr. ADERHOLT, Mr. SKELTON, Mr. WICKER, Mr. COSTELLO, Mr. LEWIS of Kentucky, Mr. TURNER of Texas, Mr. SAM JOHNSON of Texas, Mr. McNULTY, Mr. EHLERS, Mr. RAHALL, Mr. LIPINSKI, Mr. SHUSTER, Mr. GOODLATTE, Mr. PICKERING, Mr. BURTON of Indiana, Mr. HUNTER, Mr. CANTOR, Mr. NETHERCUTT, Mr. GUTKNECHT, Mr. HAYWORTH, Mr. MILLER of Florida, Mr. MCCRERY, Mr. RYUN of Kansas, Mrs. JO ANN DAVIS of Virginia, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. LINDER, Mr. MICA, Mr. SHADEGG, Mr. TERRY, Mr. COLLINS, Mrs. MUSGRAVE, Mr. KENNEDY of Minnesota, Mr. PENCE, Mr. ROGERS of Michigan, Mr. TIBERI, Mr. RYAN of Wisconsin, Mr. FORBES, Mr. KING of Iowa, Mr. EVERETT, Mr. AKIN, Mr. OSBORNE, Mr. TANCREDO, Mr. JONES of North Carolina, Mr. CAMP, Mr. DUNCAN, Mr. CRENSHAW, Mr. PETERSON of Pennsylvania, Mr. KING of New York, Mr. WAMP, Mr. FOSSELLA, Mr. COMBEST, Mr. HAYES, Mr. TIAHRT, Mr. BURNS, Mr. HOSTETTLER, Mrs. EMERSON, Mr. ISSA, Mr. MANZULLO, Mr. CRANE, Mr. FEENEY, Mr. BUYER, and Mr. FERGUSON) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 18, United States Code, to prohibit human cloning.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Human Cloning Prohi-
 5 bition Act of 2003”.

6 **SEC. 2. PROHIBITION ON HUMAN CLONING.**

7 (a) IN GENERAL.—Title 18, United States Code, is
 8 amended by inserting after chapter 15, the following:

9 **“CHAPTER 16—HUMAN CLONING**

“Sec.

“301. Definitions.

“302. Prohibition on human cloning.

10 **“§ 301. Definitions**

11 “In this chapter:

12 “(1) HUMAN CLONING.—The term ‘human
 13 cloning’ means human asexual reproduction, accom-
 14 plished by introducing nuclear material from one or
 15 more human somatic cells into a fertilized or
 16 unfertilized oocyte whose nuclear material has been
 17 removed or inactivated so as to produce a living or-
 18 ganism (at any stage of development) that is geneti-
 19 cally virtually identical to an existing or previously
 20 existing human organism.

1 “(2) ASEXUAL REPRODUCTION.—The term
2 ‘asexual reproduction’ means reproduction not initi-
3 ated by the union of oocyte and sperm.

4 “(3) SOMATIC CELL.—The term ‘somatic cell’
5 means a diploid cell (having a complete set of chro-
6 mosomes) obtained or derived from a living or de-
7 ceased human body at any stage of development.

8 **“§ 302. Prohibition on human cloning**

9 “(a) IN GENERAL.—It shall be unlawful for any per-
10 son or entity, public or private, in or affecting interstate
11 commerce, knowingly—

12 “(1) to perform or attempt to perform human
13 cloning;

14 “(2) to participate in an attempt to perform
15 human cloning; or

16 “(3) to ship or receive for any purpose an em-
17 bryo produced by human cloning.

18 “(b) IMPORTATION.—It shall be unlawful for any per-
19 son or entity, public or private, knowingly to import for
20 any purpose an embryo produced by human cloning.

21 “(c) PENALTIES.—

22 “(1) CRIMINAL PENALTY.—Any person or enti-
23 ty that violates this section shall be fined under this
24 title or imprisoned not more than 10 years, or both.

1 “(2) CIVIL PENALTY.—Any person or entity
 2 that violates any provision of this section shall be
 3 subject to, in the case of a violation that involves the
 4 derivation of a pecuniary gain, a civil penalty of not
 5 less than \$1,000,000 and not more than an amount
 6 equal to the amount of the gross gain multiplied by
 7 2, if that amount is greater than \$1,000,000.

8 “(d) SCIENTIFIC RESEARCH.—Nothing in this sec-
 9 tion restricts areas of scientific research not specifically
 10 prohibited by this section, including research in the use
 11 of nuclear transfer or other cloning techniques to produce
 12 molecules, DNA, cells other than human embryos, tissues,
 13 organs, plants, or animals other than humans.”.

14 (b) CLERICAL AMENDMENT.—The table of chapters
 15 for part I of title 18, United States Code, is amended by
 16 inserting after the item relating to chapter 15 the fol-
 17 lowing:

“16. Human Cloning 301”.

18 **SEC. 3. STUDY BY GENERAL ACCOUNTING OFFICE.**

19 (a) IN GENERAL.—The General Accounting Office
 20 shall conduct a study to assess the need (if any) for
 21 amendment of the prohibition on human cloning, as de-
 22 fined in section 301 of title 18, United States Code, as
 23 added by this Act, which study should include—

24 (1) a discussion of new developments in medical
 25 technology concerning human cloning and somatic

1 cell nuclear transfer, the need (if any) for somatic
2 cell nuclear transfer to produce medical advances,
3 current public attitudes and prevailing ethical views
4 concerning the use of somatic cell nuclear transfer,
5 and potential legal implications of research in so-
6 matic cell nuclear transfer; and

7 (2) a review of any technological developments
8 that may require that technical changes be made to
9 section 2 of this Act.

10 (b) REPORT.—The General Accounting Office shall
11 transmit to the Congress, within 4 years after the date
12 of enactment of this Act, a report containing the findings
13 and conclusions of its study, together with recommenda-
14 tions for any legislation or administrative actions which
15 it considers appropriate.

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